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*but some of the books
which he has been studying in the library*

TÒ KALÒN KPEÏTTON,

OR

THE CONDUCT

OF THE

DUKE OF WELLINGTON'S ADMINISTRATION,

AND OF THE MAJORITIES OF THE

TWO HOUSES OF PARLIAMENT,

RELATIVE TO

The Catholic Question,

PROVED TO BE CONSISTENT WITH JUSTICE, SOUND POLICY, AND
INDIVIDUAL GOOD FAITH;

MORE PARTICULARLY ADDRESSED TO THE

MEMBERS OF THE SENATE OF THE UNIVERSITY
OF CAMBRIDGE.

BY ARTHUR S. WADE, D.D.

VICAR OF ST. NICHOLAS, WARWICK, AND A MEMBER OF ST. JOHN'S COLLEGE,
CAMBRIDGE.

Justum, et tenacem propositi virum,
Non civium ardor prava jubentium,
Mente quatit solidâ.

HOR. lib. iii. Carm. 3.

Fallitur egregio quisquis sub principe credit
Servitium: nunquam libertas gravior extat
Quàm sub Rege pio. Quos præficit ipse regendis
Rebus, ad arbitrium plebis patrumque reducit:
Conceditque libens, meritis seu præmia poscant,
Seu punire velint.

DE SECUNDO CONS. STILICH. Carm. 24, l. 113.
CLAUDIANI OPERA. PYRRHO. Vid. FATH. IN PR. CH.

LONDON:

JOSEPH BOOKER, BOND STREET.

1829.



See a Letter on this subject by Dr. Wade in the Times, June 13.

NOTICE

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LONDON:

W. MOLINEUX, ROLLS PRINTING OFFICE, ROLLS
BUILDINGS, FETTER LANE.

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THE CONDUCT
OF THE
DUKE OF WELLINGTON'S
ADMINISTRATION.

THE friends of the Bill, now happily passed into a law, for the relief of our Catholic fellow subjects, were divided into two classes,—those, who advocated the measure on the ground of right, and those who considered it merely as politically expedient. For my own part, I have always been found among those, who advocated Catholic emancipation as a matter of right, and “through good report and through evil report,” I have ever considered it my duty, both as a friend to my own church, and a lover of civil and religious liberty, to bear my humble testimony in favour of a cause, which has ranked among its supporters some of the greatest orators, statesmen, and divines that have adorned the page of history.

Amongst these I can not help mentioning two individuals, with one of whom I had the honour and happiness of living for many years upon terms of the greatest intimacy; I allude to the late revered and venerable Dr. Parr and the immortal Johnson; men who, though differing in political opinions, concurred in their love of our Protestant institutions, and in deprecating the treatment which Ireland, or rather the Irish Catholics, had experienced at the hands of the English government. Johnson and Parr may be looked upon as two of the most distinguished amongst the characters of an age just passed away—two of the most illustrious of a mighty race of men, who have gone to their reward, but whose works live after them; and I am induced to refer to their authority in the question under consideration, for the purpose of reminding those amongst my reverend brethren, who differ from me in opinion, that I have not acted without good examples, as well as for the purpose of paying a tribute of respect to the memory of my friend Parr, who would have rejoiced had he lived to see this day.

Before, however, I take leave of this part of my subject, I may perhaps be allowed to quote, from a work whose authenticity has never been questioned, Boswell's *Life of Johnson*, the opinion, which that great writer entertained with regard

to Ireland. Though this work is in the hands of every one, yet I have not seen the passage I am about to transcribe brought forward in support of the cause of Catholic emancipation, and therefore, without farther apology, I will take the liberty of laying it before my readers, feeling convinced, that by so doing, I shall at once bespeak the attention of the unconvinced, and add a powerful testimony in favour of the cause, which I have presumed to advocate:—

“The Irish,” said Johnson, “are in a most unnatural state; for we see there the minority prevailing over the majority. There is no instance, even in the ten persecutions, of such severity, as that which the Protestants of Ireland have exercised against the Catholics. Did we tell them we have conquered them, it would be above board: to punish them by confiscation and other penalties, as rebels, was monstrous injustice. King William was not their lawful sovereign; he had not been acknowledged by the Parliament of Ireland, when they appeared in arms against him.”

If the two great authorities that I have just quoted should not be thought a sufficient apology for any opinion that so humble an individual as myself may hold, I will quote another. I will quote a divine, to whose name no epithet can

add honour—to whose virtues no language can add praise. I allude to Henry Bathurst—the aged, the excellent, and the venerable Bishop of Norwich.

In offering these observations in defence of his Majesty's ministry, I am aware, that I render myself liable to the double charge of vanity and of improper motives. I trust, however, that I am not actuated by either—but certain I am, that I have no improper object in view. I am desirous of convincing those, who have formed an ill opinion of the present government relative to their conduct on the Catholic question, more particularly my brother electors of the University of Cambridge, that that opinion is unjust,—and this, after what has been so ably said by others, may be called vanity; but my principal object is to shew, what I conceive it is the duty of every one to shew, who feels conscious, that a great good has been achieved for his country, that I feel grateful to those, by whose exertions that good has been effected. I also think, that now, when men's passions are no longer excited by the agitation of the question, they will be more capable of calmly considering it, and more likely to judge justly of the conduct of his Majesty's government.

As I have said before, the friends of the Catholic Relief Bill were divided into two classes,—

those who advocated the measure on the ground of right, and those, who considered it merely as politically expedient. Amongst the latter class of politicians may be ranked those of his Majesty's ministers, who were on former occasions adverse to the measure. Now, to show that a measure, like the one under consideration, is politically expedient, it is necessary to prove, that the state would have sustained a greater injury, from its being withheld, than from its being granted, and this is my object on the present occasion. In adopting this line of argument, I concede to the opponents of the measure, that the Catholics had no right to the possession of political power, an opinion, which is held by many great and good men, but which, I scarcely need repeat, I do not hold.

In the first place I would observe, that the Catholics of Ireland have not only been tolerated, but have been in possession of political power for many years. All, therefore, that has been said relative to the opinion of such men as Milton, Locke, and Goëthe, on the propriety of not tolerating Catholicism at all, on the ground that it is intolerant, and that no toleration is due to those, who will not tolerate, is not applicable to the present question, unless indeed it should be advanced, that it would be advisable to undo all, that has been done for Ireland in this respect, and proclaim

at once a war of extermination against the Catholics—for it is obvious, that not to tolerate the Catholic religion in Ireland would be in effect, to destroy the Catholics. The most zealous anti-catholics, however, have never advanced a doctrine of this kind, and consequently his Majesty's ministers were perfectly justified in discarding such a sanguinary measure altogether from their consideration. I think I may take it for granted, even at the risk of being accused of begging the question, that Ireland had arrived at that state in which something must have been done. This, I believe, was generally, nay, I may say, universally acknowledged; the question, therefore, for the consideration of the government, was, what that something should be. To undo all that their predecessors had done was out of the question—they could not go back, and without being armed with extraordinary powers, which the Parliament, it is fair to presume after what had taken place, would not have armed them with, they could not remain where they were. It is the duty of governors to make the best of circumstances, and when they see two inevitable evils before them, to yield to that, which is likely to be productive of the least ill consequences. “All consultations,” says Lord Bacon, “do rest upon questions comparative: for, when a question is *de vero*, it is simple, for there is but one truth; but when a question is *de bono*, it is for the most part, imperative, for there be differing

degrees of good and evil, and the *best of good* is to be preferred and chosen, and the *worst of evil* to be declined and avoided.” Ireland had been brought to such a state of insubordination, by means, which the government had no power to arrest, that the choice only was left to them, either to yield to the demand of Catholic emancipation, or, with a House of Commons favorable to the Irish claims, suffer the country to break out into open rebellion, and then oppose force to force. This was a consummation most devoutly to be deprecated—a consummation which would have armed the disaffected in England with a fearful power—which would have gone near to have shaken the state to its dissolution,—and which would, at a time that Russia is making fearful strides in her gigantic march of ambition, have rendered us absolutely contemptible in the eyes of the great European powers.

Those, who have opposed the granting of Catholic emancipation, have uniformly taken it for granted, that Parliament would have unhesitatingly armed the government with sufficient authority to have put down the Irish “agitators,” but this by no means follows. It could not have been done, in my opinion, without a suspension of the Habeas Corpus Act, and had the government asked for such suspension, it is fair to presume, that that House of Commons, who the

year before had voted in favour of emancipation, would have replied, "No; grant that which is the just rights of the Irish people, and the agitators will cease to exist." But it has been said, that the laws of the land would have been sufficient, had they been acted upon, to have brought to justice the demagogues, as they were called, of the Catholic Association. Now the only way in which those persons could have been proceeded against was, bringing them before a jury of their country. We all know, however, the great influence, which they possessed over the minds of the people, particularly over the Catholics, who, to a man, thought they were fully justified in their proceedings: more than one half of the Protestants was of the same opinion; and it is a question with me whether the remainder, providing juries had been selected from them, which would have been contrary to law, would have dared to have convicted even the most audacious among the "agitators," many of whom, I am willing to allow, had unquestionably, in their speeches, violated the laws.

In this view of the subject, I am borne out by the documents, which have been laid before Parliament by the Marquis of Anglesea. It appears from these documents, that it was the unanimous opinion of the law officers of Ireland, that no conviction could have been obtained; and unless we

are prepared to say, what I should think few men could be so unjust as to say, that those individuals violated their oaths, and conspired with the "agitators," we are bound to conclude, that what has been here advanced, on this subject, is correct. It has, however, been argued, that because juries were found, after the last rebellion to convict the guilty parties, that therefore juries might have been found on recent occasions to have done the same. But it should be recollected, that there is no parallel between the two periods. Then the Catholics were beaten and dispirited, without money or organization; the government was armed with absolute power, and the whole empire had been shocked by the atrocities of the rebels. Nothing of the kind existed in the present case; the Catholics were in a complete state of organization, with large funds at their disposal, and actually waging a successful *moral* rebellion in every part of the country against the constituted authorities. Besides, they had done nothing to shock the feelings of the people of England, except perhaps the uttering of violent speeches; they had been guilty of no outrages; they had shed no Protestant blood.

Nothing could more strikingly illustrate the fearful power, which the Association had obtained over the fierce passions of the peasantry, than the conduct of that peasantry at the Clare

election. During the whole of that contest not a single person was seen intoxicated, and not a single outrage, that I am aware of, was committed; nor was the display of power confined to the instance now before us; it was extended over all the Irish Catholics. To superficial observers this may be considered of little importance; but by those, who are acquainted with the desperate, and reckless character of the lower orders of Irish, when under strong excitement, it will be justly considered as one of the most striking instances of power over a whole people ever displayed. What might not then the Catholic Association, and the Catholic priesthood, possessing as they did such authority, have effected? I answer, any thing, that it was in the power of five millions of people, situated as the Irish were, to have effected. They that could so far have subdued the passions of a peasantry, who never met without drinking, and who never drank without contention, it is quite obvious might have directed them in open warfare against the government, had they thought proper to have done it. Nay, there can be no doubt, that the Irish peasant had some ulterior object of insurrection in view, when he thus submitted himself to the authority of those, who had assumed the office of his leaders. Was it not, then, good policy on the part of government to take from him his leaders; to convert those, who cherished his

visionary schemes of insurrection against the state, into the friends of the state?

It is probable, as has been observed, that the account, which Mr. Vesey Fitzgerald gave, after his return from the Clare election, of the organization, that had been effected among the Irish peasantry, convinced the government, that something must be done, either in the way of coercion, or conciliation, to prevent Catholic members from being returned, in the event of a new election, for almost every county and open borough in Ireland. Certain it is, that the priests and the Association had obtained a complete ascendancy over the minds of the people; they had made a most violent and indiscreet peasantry as orderly as a regiment of well-disciplined soldiers. Even their habits of drinking, they had prevailed upon them to lay aside, and thus an Irish election, instead of being a scene of confusion and outrage, was rendered as quiet and as well conducted as a conventicle of Methodists. These things, apparently so desirable in themselves, very naturally caused alarm in the minds of the members of the government. As long as the Irish peasantry continued a riotous and an undisciplined mob, it was easy to deal with them. It was easy to repel brute force by brute force more ably directed; but when *moral* force was presented in opposition to the government, it had to deal with something, not to be resisted by arms.

In all former contests between the government of England and the Irish Catholics, a large portion of the latter were either neutral, or on the side of the state; but in the late *moral* rebellion, for such in reality it was, this was not the case. This change in the state of things has been attributed, I think, properly, to the instituting of the forty-shilling freeholders, and of a system of national police, both of which were intended to operate in precisely the opposite way in which they have operated. The national police not only tranquillised Ireland, so far as partial risings against the constituted authorities were concerned, but it also rendered difficult the organising of any general insurrection. The consequence was, it drove the people into another and a more safe kind of opposition to the government; the nature of which is too well known to be here dwelt upon in detail. This opposition was perfectly free from danger to all the parties concerned in it; and thus the Irish Catholic gentry, who had been heretofore kept aloof by the fear of compromising themselves, hesitated not to take a part in it as the prominent actors. When insurrection was the sort of opposition put forth against the government, no man of property dared heartily espouse the Catholic cause, for fear of being implicated in a charge, either directly or indirectly, of rebellion. One of the most efficient instruments in the hands of the advocates of emancipation was

the forty-shilling freeholder, a voter, who had been created for no other purpose than to throw power into the hands of the landholder, and by that means strengthen the government. Thus two measures, which were intended to assist the ruling party, were actually brought, by management and force of circumstances, to bear against it, till at length government thought it most prudent to yield; not, however, be it recollected, without depriving the forty-shilling freeholders of their votes.

But it may be said, that the national police has not tranquillised Ireland, and the daily outrages, which are now being committed, may be instanced in support of the assertion. It should be recollected, however, that these outrages are not of a political nature; that they are not directed against the government, or carried on for the purpose of bringing about any political or religious change; that they are, for the most part, directed by Catholic against Catholic, and that they therefore do not affect my argument.—Indeed they rather support it, inasmuch as the existence of such quarrels among themselves proves, that they are meditating nothing against the government.

Having thus glanced at the state to which Ireland had been brought by the “agitators;”—

having shewn something of what they *did* do, I come now to make a few observations upon what they *threatened* to do. In the first place, then, they threatened to forbid Catholics from dealing or holding any kind of intercourse with Protestants; and there can be no doubt that if emancipation had not been granted, this measure,—a measure, which would have gone near to involve the country in a civil war, would have been carried into effect. No one can doubt, that they had power to enforce this measure,—and least of all will any one doubt, that they had the will.

If the non-intercourse plan was thus fraught with such terrific consequences, what shall we say of the scheme for putting a stop to the circulation of bank notes in Ireland, or in other words, for making a grand run upon the national bank? Why, that such scheme, if carried into effect,—and under the circumstances, it was perfectly feasible—must have led to the suspension of cash payments in Ireland, and if in Ireland probably in England; and thus we should have been proclaimed to the world as a nation of bankrupts. Nor would this have been the worst part of the evil. It would have put a stop, at least for a time, to all sorts of business, — it would have left the tradesman without customers, and the labourer without bread. Can such a state of things be contemplated without horror, and

would not that government have deserved the execration of the country, that did not do all that could be done, to guard against it? The state of the population at this moment, in the north of England, and in the manufacturing part of the metropolis, affords a feeble, and only a feeble idea of the horrors, that would every where take place, under any great disarrangement of our financial system.*

It is very natural for a clergyman, in a remote part of the country, living retired amongst his flock—unacquainted with what is going on in the great world, except through the medium of interested newspaper writers, who live by feeding his prejudices—it is very natural for such a man, looking with horror upon the superstitions and cruelties that have prevailed, and, if you like, do prevail, amongst Catholics to consider all those, who listened to the complaints of the Irish Catholics as enemies to their country, and apostates from religion. But such worthy, and frequently, in other respects, well informed individuals, do not reflect, that dangers might exist of a nature with which they were unacquainted; they do not reflect that, at the very moment they were dreading some remote evil from Catholic power, those very

* I am borne out in this view of the subject by an admirable article in the last *Quarterly Review*, on the “State and Prospects of the Country.”

Catholics possessed a power, if they chose to act upon it, sufficient to shake the safety of the empire to its very centre.

Let me not be misunderstood. Let no one imagine, that I consider our financial system built upon a foundation of sand, and liable to be overthrown by the mere breath of popular clamour. I do not believe any such thing. On the contrary, I think nothing but the most gross ignorance on the part of the legislature, or the most determined opposition on the part of an immense mass of the population, could seriously affect it, or at least affect it to such a degree as materially to disturb the order of society. But the Catholic Association had the power (and they were the only body of men that ever had it, or are likely to have it again) to put into activity that opposition which I contemplate, and though it would have involved the country in great difficulty, and distress, they were so maddened by the withholding from them, what they considered, their just rights, that there is no doubt they would have done it. In times of order, and under the rule of a wise government, a country has nothing serious to fear from a national debt; for it is idle to suppose, that a nation can be ruined, though it may be involved for the moment, by being indebted to itself. Speaking of the national debt in his time, Dr. Johnson said, "it was an idle dream to suppose, that the

country could sink under it. Let the public creditors be ever so clamorous, the interest of millions must ever prevail over that of thousands." This is perfectly true, though it supposes an alternative, which I should be sorry to see resorted to, namely, a sacrifice of the stock-holder in favour of the proprietors of other descriptions of property.

But to return to the question more immediately under discussion.—It may be said, that if the Irish Catholics possessed the power of putting into requisition such formidable weapons for the attainment of Catholic emancipation, why should they not use them for the attainment of ulterior objects, such as making catholicism the established faith, and taking from the Protestants the church property. I answer, in the first place, that they no longer possess that power; that the granting of emancipation has dissolved that union from which the power was derived, and, that there is no probability of its ever being re-established. The union of which I speak was the work of years. If the Catholics were to set about re-establishing such a union for the attainment of other objects, under the most favourable circumstances that can be supposed, it could not be effected for a great length of time. Besides, when men are once put upon an equality with their fellow subjects, particularly a minority like the Catholics, it is ridiculous to suppose, that they

will unite together for the purpose of obtaining a superiority, and still more ridiculous to imagine, that the majority will quietly look on, and not put a stop to their machinations.

The removal of Catholic disabilities, in my opinion, will operate favorably to the interests of protestantism; at any rate it will unite the Protestants as one man against the catholics, should they not be content with that equality of rights, which they have obtained. As Mr. Peel observed in the House of Commons, in one of his speeches on this question, "Come what may of the measure itself, if hereafter the Roman Catholics attempt to trench on the authority of the crown, or to attack any institutions of the country, the measure of relief dealt out to them will serve to rebuke and to defeat every effort, that may be made by them."

The feeling which was displayed throughout the country, in opposition to the Catholic Relief Bill, though founded upon false apprehensions, and therefore very properly not suffered to influence the legislature, was, I have no hesitation in saying, highly gratifying to me as a Christian and a clergyman of the Established Church; that feeling shewed, beyond the possibility of doubt, that the people, the great mass of the nation, had neither become infected with infidelity, nor with indifference to the cause of the Protestant Church.

Establishment; it shewed that the sentiment of church and king was still engraven on their hearts—that it was the motto of their dearest affections. With such a people, my clerical brethren, I ask, if we do our duty, can we have any thing to fear, either from the splendid superstitions of the Roman church, or the specious sophistry of the dissenter? No! let the church of England be true to herself—let the legislature, as the present able, learned, and excellent Bishop of London implored, give her discipline, and she may defy all open attacks from without, and all covert ones from within.

It has been apprehended by some persons, that the Catholics will, in conjunction with the dissenters, become formidable in their opposition to the temporalities of the church. In my humble opinion this is an idle fear. As a body, the Catholics never will sanction the appropriation of church property to secular purposes. It would be inconsistent with the tenets of their religion, and would be discouraged by the heads of their church, if only upon the score of example. To me it appears quite certain, that no farther union can subsist between the Catholics and the dissenters—for they are in their feelings and belief as far as the poles asunder.

An objection has been raised to the granting

of Catholic emancipation, on the ground that it was the result of intimidation. Now, taking it for granted that such was the case, I ask, what then? Oh, I shall be told, it was highly derogatory to the King's government to yield to fear, to suffer themselves to be frightened into a measure by a rebellious faction. Precisely just such language as this was used when the Americans refused to acknowledge the right of the British Parliament to impose taxes upon them, and unfortunately for our common country, such unmeaning verbiage prevailed. We all know the result; we all know that the king's government nobly determined not to be intimidated—not to yield to a faction—that faction, by the way, like the Irish faction, consisting of at least four-fifths of the whole people,—and the fruit of their *noble daring* was the loss of our North American colonies; and not merely the loss of these colonies, but the raising up of a people, who would have gladly continued the subjects of the British crown, into a great and powerful rival nation—a nation that not only is capable of competing, but actually does compete with the parent state in every quarter of the world. Happy would it have been for Great Britain, if the government of that day had not disdained to yield that to intimidation, which was just. Happy if the country had had a minister like the illustrious Wellington, who had the magnanimity to exclaim, “To avoid

one month of civil war I would willingly sacrifice my life." But the sentiments of the noble duke, on the occasion alluded to, are so admirable, are so applicable to the subject, which I am now treating, that I cannot help transcribing them.

"I am one of those," said the Duke of Wellington, "who have probably passed a longer period of my life engaged in war than most men, and principally, I may say, in civil war; and I must say this, that if I could avoid, by any sacrifice whatever, even one month of civil war in the country to which I am attached, I would sacrifice my life in order to do it. I say, that there is nothing which destroys property and prosperity, and demoralizes character, to the degree that civil war does; by it, the hand of man is raised against his neighbour, against his brother, and against his father; servant betrays master, and the whole scene ends in confusion and disorder. Yet, my Lords, this is the resource to which we must have looked—these are the means to which we must have applied, in order to have put an end to this state of things, if we had not made the option of bringing forward the measures, for which I say I am responsible. But let us look a little further at this. If civil war is so bad, when it is occasioned by resistance to the Government—if it is so bad in the case I have stated, and so much to be avoided—how much more is it to be avoided

when we are to arm the people, in order that we may conquer one part of them by exciting the other part against them? My Lords, I am sure there is not a man who hears me, whose blood would not shudder at such a proposition if it were made to him; and yet that is the resource to which we should be pushed at last, by continuing the course we have been adopting for the last few years."

These are sentiments which become a great mind and a humane heart. They are the sentiments of wisdom and of patriotism. They shew that the victor of a hundred battles—the conqueror of the conqueror of Europe—was intimidated at the idea of doing wrong—of involving his country in civil war—that he was afraid of arming the father against the son, and the son against the father; that he was determined to avoid such a dreadful extremity; and by so fearing and so determining, he shewed himself a patriot, a statesman, and, what is infinitely greater than either—a CHRISTIAN.

But it has been urged, that, putting the justice and expediency of Catholic emancipation out of the question, his Majesty's ministers, particularly the Duke of Wellington, the Lord Chancellor, and Mr. Peel, are highly to blame for the manner in which they brought forward and carried that

measure. It is said, that they were under a pledge to the nation not to support it at all ; that even if they had not been, that they ought to have given a longer notice to the country of their intention ; and that finally, no minister ought to have proposed such a great change in the constitutional laws of the state without taking the sense of the people upon it, or in other words without dissolving the Parliament.

I will endeavour to answer these objections seriatim. In the first place, then, I observe, that it is obvious, every minister and every legislator is bound by every obligation that can bind men, to do that, which in their conscience, they believe to be the most advantageous to the country at large. This proposition I apprehend no one will deny ; indeed it cannot be denied upon any just principle of either politics or morality. It therefore follows, that no legislator, or minister ought to be bound by any pledge, which, at the time of making, he believed to be perfectly consistent with the general proposition here laid down, but which he afterwards found was inconsistent with it. His duty in such a predicament is to abide by the general principle, and to reject the particular pledge. Nor is any one deceived by a man acting thus, because every one knows, or ought to know, that when a person promises to do a thing, believing it to be right, that he is not bound to do it, if he

afterwards find that it is wrong. This being the case, it follows, that the guilt or innocence of the ministers and legislators in question, turns upon the fact, as to whether they believed, that the granting of Catholic emancipation was necessary for the welfare of the country. They have solemnly declared, that they did believe this—that they had good reason to believe it, I have endeavoured to show; but independent of this latter consideration, we are bound to give credit to their declaration, because it is next to impossible to conceive that a Wellington, a Lyndhurst, and a Peel would sell “the mighty meed of their large honours,” to gain the characters of promise breakers and betrayers of their country. There is, however, another, and, if possible, a greater consideration in favour of this conclusion. I allude to the vast majorities of the two houses of Parliament, on the question of Catholic emancipation. Can any one for a moment imagine—can any of my reverend brethren of the church be so uncharitable as to suppose, leaving out of the question individual cases, that these majorities were influenced by corrupt motives—that the ten pious and learned Prelates, who voted for this measure, (than whom better and more able men never adorned the mitre) were traitors at once to their church, and to their country?

As to the next objection, namely, the giving a

longer notice of the minister's intention to bring forward the question of Catholic emancipation; I observe that it appears to me, the cabinet, so far from being bound to give a longer notice than they did give of the measure, that they were absolutely bound to the contrary. The councils of cabinets are, or ought to be, kept secret till they are matured and decided upon, and then, and not till then, can they, under any circumstances, be properly brought before the legislature, or the public. The Duke of Wellington assured the House of Lords, that no time was lost after his Majesty's assent to the measure was obtained; and independent of his grace's word, which no one I should think would be inclined to dispute, we have the testimony of the correspondence laid before Parliament by the Marquis of Anglesea, from which we may deduce, that his Majesty was brought to give his assent with great difficulty. In that correspondence we are told, that the subject was never mentioned to his Majesty without troubling him.

In alluding to this circumstance, nothing can be further from my mind than to insinuate any blame to his Majesty for so acting. On the contrary, I think, that amidst the galaxy of glory with which faithful history will adorn the memory of George the Fourth, his conduct, on the occasion alluded to, will perhaps shine the most tran-

scendant. As a Protestant divine, I religiously respect his conscientious scruples, and as a subject, I love, honour, and venerate the sovereign, who could sacrifice his private feelings to the welfare of his kingdom.

Would that those who ought to be the promoters of peace and good will to all men—but who, from their present conduct, rather seem to desire to perpetuate feuds and render animosities immortal—would that they would follow this bright example of their Sovereign, and offer up their private feelings on the altar of national concord.

And here I cannot help observing that it would be well for all parties, if people, when they give their opinions upon great political questions, would bear in mind the advice of Demosthenes, as quoted by a greater man than the Athenian orator, Lord Bacon, with regard to a proposition in the House of Commons, for the naturalization of the Scottish nation. “It may please you, Mr. Speaker, preface I will make none, but at once put myself on your good opinion, neither will I hold in suspense what way I will choose, but now at first declare myself, that I mean to counsel the House to naturalize this nation: wherein nevertheless, I have a request to make unto you, which is of more efficacy to the

purpose I have in mind than all I shall say afterwards: and it is the same request which Demosthenes did more than once in great causes of estate make to the people of Athens, that ‘When they took into their hands the balls whereby to give their voices according as the manner of them was, they would raise their thoughts and lay aside those considerations which their private vocations and degrees, might minister and represent unto them, and would take upon them cogitations and minds agreeable to the dignity and honour of their estate.’ ”

If, by charging the administration with bringing forward the question of Catholic emancipation in a hurried, or sudden manner, it be intended to assert, that the people were taken by surprise, I deny the charge altogether. The Duke of Wellington, in his speech last session before the House of Lords on the question, shewed as clearly as a man could shew, that, under certain circumstances, he was friendly to it. His grace intimated, that something hereafter might be done for the Catholics, and this intimation was the more extraordinary, inasmuch as no prime minister had ever before held out any hopes to them. The anti-catholics had next a warning of what was coming in the speech of Mr. Dawson at Derry. After this, there was the conduct of Mr. Peel in Lancashire, where every thing was done

to draw from him some anti-catholic, or rather anti-emancipation sentiment, but where he remained studiously silent on the subject.

But I should be glad to know for what purpose the opponents of concession to the Catholics required more time. The measure was for many weeks before Parliament, during which they were not idle in exciting the passions of the people, and their efforts, according to their own account, were crowned with no little success. If, then, they wished to ascertain the opinion of the country, they had ample time for that purpose. If they wished delay for the purpose of organising factions, or promoting an insurrection,—they had not time for such objects, and it was fortunate for themselves and the country, that they had not.

As to dissolving the Parliament in order to ascertain the sense of the country on the Catholic question, I shall observe in the first place, that such proceeding was uncalled for on any ground of right, or of good policy. The present House of Commons was elected when the cabinet was divided on the Catholic question, it is true, but the emancipationists in the government were very powerful, and it is well known, that the anti-catholics used the most strenuous exertions to return members favorable to their views. It may well be doubted, however, under the circum-

stances, whether if a new election had taken place, the anti-catholics would have gained any accession of strength; indeed it is my opinion, that they would have lost strength; for it is not to be supposed, that the government would not have exercised all that influence at elections, which all administrations have exercised, and, being united on the question of emancipation, the probability is, that a greater number of pro-catholics would have been returned than under a divided cabinet. So far as Ireland is concerned, there can be no doubt that, with the exception of one or two counties in the north, pro-catholics would have been returned throughout the country. In short, it appears to me, that the cry set up about not dissolving the Parliament was purely factious, and, that if the Parliament had been dissolved, the same party would have been equally loud in deprecating the measure. Besides, there can be little doubt, that such a step, under such circumstances, would have thrown Ireland into a state of insurrection, or something very like it.

The anti-catholics appear to hold, though heretofore for the most part professing high tory notions, very democratical opinions as to the power or influence, which the people ought to exercise over the legislature. According to these politicians, members of Parliament are not only bound to act with reference to the opinions of the

people upon any given question of importance, which, to a certain extent, is perfectly true, but that they are bound to abide by those opinions, which is perfectly untrue, and if acted upon, would be entirely subversive of all good government. For, in the first place, it is impracticable, if not impossible, to ascertain what the real opinion of the majority of the people is upon any given question; and in the next place, if it were possible, and if acted upon, the mass of the people, instead of their representatives, would in reality become the law makers, which would be just as absurd as a man employing a lawyer to conduct his cause, and then taking upon himself his own defence. The representatives of the people are, or are not more capable than the people themselves to conduct their affairs—if they are, why interfere with them? if they are not, why did they elect them?

To judge of the character of our representatives as to their probity, talents, and zeal, is a very different thing from being able to form a correct opinion of the measures subjected to their deliberation. In the former case, a man's common sense and experience will enable him to judge well; but it requires study and great acquirements, and extensive knowledge, to form a sound opinion of political measures.

No men, in any age of the world, were better judges of the characters of their rulers than the Athenians were; and none less competent to judge of the measures of those rulers, either for peace or for war, as was exemplified in their reluctant resistance to Philip; none were more censorious and ungrateful to their best friends, as was proved in their treatment of Demosthenes and others.

Plutarch's testimony in favour of the worth, integrity, and abilities of their illustrious leaders, contrasted with the perfidiousness, cruelty, and fickleness of the citizens, could not, he said, be exceeded in any age or country: but had Plutarch lived to this day, he would have altered his opinion, and found that not only many uninformed English citizens could be ungrateful to their best friends and rulers, but that some of those who live in cloisters, and who ought to devote their days and nights to the acquirement of knowledge, have improved upon the worst characteristics of the fickle and ungenerous Athenians, as has been exemplified in their treatment of one of the ablest and most virtuous statesmen of our times.

I conceive, however, that it is not necessary for *me* to defend the principle of the independence of representatives—a principle which has been hitherto allowed by all but the wildest democrats.

The great Fox, whom no one could accuse of holding opinions adverse to popular rights, has shewn, that the representative is not the mere agent or slave of his constituents.

But this great statesman's observations on the subject are so applicable to the present question, that I cannot do better than quote them:—

Mr. Fox, in answer to Mr. Dunning, in March, 1771, said “he could not be convinced either that the authority of the House of Commons is not the best security of the national freedom, or that *our* welfare can possibly be separated from the welfare of the public.

“The honourable gentleman is pleased to say, that the voice of this house is not the voice of the people; and he sets the language of clamour without doors in opposition to our deliberations, as if we were not especially appointed by the constitution the *only revealers of the national mind*—the only judges of what *ought to be* the sentiments of the kingdom. It may possibly appear strange that a representative of the people should not deem it more meritorious, to comply with the wishes of his constituents, than to counteract them; and it may possibly be urged that it is his duty, upon all occasions, to act in conformity to those wishes, however repugnant they may

be to the sense of his own convictions. I will not differ with the honourable gentleman about the idea he annexes to the term ‘people;’ I will allow, for argument’s sake, that nine-tenths of the people are at this moment in opposition to to government, but I will at the same time insist that we have higher obligations to justice than to our constituents. We are chosen the delegates of the British electors, for salutary, not for pernicious purposes—to guard, not to invade the constitution—to keep the privileges of every freeman we represent, as much within their proper limits, as to control any unwarrantable exertion of the royal authority. We are bound to promote their true interests, in preference to the dearest desires of their hearts, and the constitution makes us the *sole arbiters of those interests*, notwithstanding the imaginary infallibility of the people.

“Shall we sacrifice our reason, our honour, our conscience, because the people desire it, or for fear of incurring the popular resentment; and while we are appointed to watch over the Hesperian fruit of liberty with a dragon’s eye be ourselves the only slaves of the whole community? The honourable gentleman will tell me that nothing but the soul of absurdity could suspect the people of a design against their own happiness. I do not suspect the people of any such design; but I suspect *their capacity* to

judge of their true happiness. I know the people are equally credulous and uninformed. No doctrine was ever yet broached, either so dangerous or so ridiculous, as that which seriously insists that the House of Commons, because *elected* is without *jurisdiction*,—and that the people, because the *origin of all power*, must therefore be exempt from all obedience. The people make the laws as well as the legislature. It is urged that the House of Commons, as the creatures of the people, have no right whatever to exercise an authority over their constituents. This position breathes the spirit of freedom with a vengeance, for it lays the axe to the root of all subordination at once, and puts an entire end to the whole constitution of government. The people after solemnly forming a compact of civil liberty, are not to launch out into the barbarism of their natural state. What acquaintance have the people at large with the arcana of political rectitude—with the connections of kingdoms—the abilities of ministers, or even with their own dispositions? At the period of the Revolution, patriotism itself acknowledges we *were saved*, yet our glorious deliverer was scarcely seated on the throne when the people began to consider him an enemy to the constitution. In every succeeding reign it was asserted we were destroyed, and we have now reached the abyss of destruction. The people

have the power of *electing* their representatives; yet you see they constantly abuse that power, and appoint those as guardians of their dearest rights whom they accuse of conspiring against the interests of their country. It is the duty of the people to choose us; it is ours to act constitutionally, and to maintain the independence of Parliament. I stand up for the constitution, not for the people; if the people attempt to invade the constitution, they are enemies to the nation. I will not be a rebel to my King, my country, or my own heart, for the loudest huzzas of the multitude.”

Taking these things into consideration, I think I may lay it down as an incontrovertible maxim, that *the great duty of a statesman or legislator, the duty into which all other obligations merge, is that of acting in such a way as he conscientiously believes will be most conducive to the welfare of the state.*

I now come to the consideration of the case of those members of the House of Commons, who were under what is called a promise to their constituents to vote against Catholic emancipation; but who, nevertheless, conceived it to be their duty to vote in favour of that measure; and my object is to prove, that such members cannot justly be accused of breaking their promises. For the

sake, however, of brevity and perspicuity, I will confine myself to the single case of the Solicitor General, Sir Nicholas C. Tindal, and I think I shall be able to prove to my brother electors of the University of Cambridge, that the conduct of their representative, with regard to the Catholic question, was not inconsistent with the most perfect good faith. I propose to prove this from the authority of their own book, Paley, as well as from a much higher authority—the principles of morality and sound policy.

“Men,” says Paley, “act from expectation; expectation is in most cases determined by the assurances and engagements which we receive from others. Confidence, therefore, in promises, is essential to the intercourse of human life; because without it, the greatest part of our conduct would proceed from chance.”

Now it is evident from what is here laid down, that the *expectation* excited by the promiser in the mind of the promisee, constitutes the essence of the obligation of the promise. To use the words of Paley himself, “the obligation depends upon the *expectations* which we knowingly and willingly excite.”

The Solicitor General, previous to his being returned for the University of Cambridge, pro-

mised that he would vote against Catholic emancipation, or in other words, he declared that he was unfriendly to that measure,—that he thought it would not be conducive to the welfare of the state.* Now Sir Nicholas Tindal could not

* I have conceded to the adversaries of the Solicitor General, that he did promise to vote against Catholic emancipation; without, however, either affirming or denying the fact, for in reality I know nothing on the subject. But be this as it may, it is obvious, that what is called by them a *promise* could amount to nothing more than a declaration of his opinions upon that particular question. It is idle to talk about a candidate giving an unconditional pledge to his electors, to do any thing except his general duty as a representative, and, therefore, all his pledges upon particular points must be taken as mere declarations of his belief, that such pledges are consistent with such general duty. If, however, he afterwards find, that they are not consistent with his duty as a representative, he does right in rejecting them, for a representative is not to be directed by the opinions of his constituents, but by his own. Besides, how could a member ascertain, whether or not his constituents had not also changed their opinions upon the subject of his promises or declarations. I may be told, that like Mr. Peel, the Solicitor General ought to have resigned his seat. This I deny. While I cannot but admire the motives which led the Home Secretary to take that step, yet I consider it as ill judged, and forming a most pernicious example—an example which, if generally followed, would reduce that portion of the representatives of the people returned by boroughs into the mere tools of those who happened to possess a certain degree of influence over the electors. In the nature of things such persons will always possess too

excite by this promise or declaration an idea in the minds of rational men, that he would vote against emancipation, even if he found that he had formed a wrong opinion of it, or if such circumstances should arise as to render it expedient, that he should sacrifice his private feeling to the welfare of his country, because all must know, that no man ought to be bound by a promise to continue in error, any more than he ought to be bound by a promise to continue in crime. Indeed, by continuing in error after we are convinced of our error, we do in fact become criminal in the eyes of the Almighty.* Now, as the

much influence over members, without establishing the factious principle, that it is the duty of a representative, whenever he conscientiously changes his opinion, to vacate his seat. Besides, without an evasion of the law, no man can vacate his seat—the doing so, therefore, is clearly unconstitutional. Nobody will pretend to say, that the accepting of the Stewardship of the Chiltern Hundreds is in reality accepting a place under the crown, the only course by which a seat can be vacated.

* Highly as I reverence the name of Paley, and greatly as I respect his almost incomparable talents, I nevertheless cannot assent to several principles which he has laid down in his “Moral and Political Philosophy.” I would instance one on this question of promises. Paley says, “It is the performance being unlawful, and not unlawfulness in the subject or motive of the promise, which destroys its validity; therefore a bribe, after the vote is given—the wages of prostitution—the reward of any crime, after the crime is

obligation of a promise arises out of the expectation, which that promise excites in the mind of the

committed—ought, if promised, to be paid. For the sin and mischief, by this supposition, are over; and will be neither more nor less for the performance of the promise.”

Now, in my humble opinion, in point of morality, there is no difference between the unlawfulness of the subject or motive of the promise, and the unlawfulness of the performance of the promise itself. And if this be the case, the performance of an unlawful promise is, under all circumstances, equally unlawful. Or in other words, I think it is evident, that if A offers to B a sum of money to commit a crime, and if, after B has committed the crime, A, instead of repenting and endeavouring to make restitution to society for the evil he has done it, gives the wages of sin to B, he does that which is unlawful; for on the contrary supposition, it is the duty of a man under certain circumstances to continue in crime. It is true, that if A take the advantage of B's crime, and do not repent of the wrong which he hath done, that he becomes a greater sinner by refusing to perform his promise to B. But the sin and mischief, as Paley affirms, is not over after the commission of a crime, under the circumstances which he supposes; for the rewarding of a criminal pampers and encourages his evil propensities, and renders him more liable to sin again. One of the greatest checks upon evil doing is the maxim that the wicked are not to be trusted—that their faith with one another is not to be depended upon. The sentiment of honour among thieves is as false in point of fact, as it is pernicious in point of principle. All experience proves, that there is little or no honour among thieves, and God forbid that there ever should. Yet the language of Paley would lead us to suppose, that honour among thieves would not be injurious either to the interests of society, or of

promisee, and as no elector of the University of Cambridge had a right to expect, that when Sir

morality! I will, however, go further, and affirm generally, that the keeping of faith with criminals, with regard to their crimes, is injurious to society, inasmuch as it has a tendency to encourage crime. Bank robberies, for instance, would rarely or never take place, could not the robbers trust to faith being kept with them. But I do not mean to say, that it is right to promise a criminal impunity from punishment, with the intention of breaking faith with him. This, however, I do mean to say, that it is not lawful to make such a promise at all to a criminal, and if the promise be unlawful, the fulfilment of it is, at any rate unlawful, if not equally unlawful—for it is the duty of every man to repent him of his errors, as soon as he is convinced of them, and to amend his ways. But let us try the question on the principles of Scripture, which unfortunately Paley did not in all cases sufficiently adhere to. It is obvious, upon these principles, that if “the wages of sin” be paid, as Paley asserts they ought to be, such payment would bring down, both upon the promiser and promisee, the penalty of death, denounced in Scripture against all that are sin’s servants and do sin’s work.

Gifts may be made subsequently to the commission of crime upon a different principle, viz. that of repentance—atonement to the party corrupted, and of compassion and charity—as a means of their present subsistence, and in the hope of amendment and future recovery from sin; for *Charity “beareth all things, believeth all things, hopeth all things: Charity never faileth.”* 1 Ep. Cor. xiii. 7.

In acting upon this principle, we shall preserve our Christian feeling and practice, without compromising the rigid rules of justice, morality, and religion, because we have a higher authority than Paley for knowing that “*the wages of*

Nicholas Tindal promised to vote against Catholic emancipation, he would do so, even if he afterwards became convinced that he was wrong, it follows, therefore, that if we believe he was so convinced, or if we believe, that he thought, by withholding emancipation, the state would sustain a greater injury than by granting it—it necessarily follows, I repeat, that he cannot be justly accused of having violated his promise. Besides, as Paley justly observes, “a man is bound only to satisfy the expectation which he intended to excite; whatever condition, therefore, he intended to subject that expectation to, becomes an essential condition of the promise.”

But the question arises as to the sincerity of Sir Nicholas Tindal—as to whether he voted in favour of Catholic emancipation from honest, or corrupt motives; that he had good reasons for acting as he has done, we have endeavoured to shew; and when a man does that which is right, it is most uncharitable to suppose, that he does it from corrupt motives. After all, however, this part of the question turns principally upon the character of Sir Nicholas—and, I believe, I may safely affirm, that that character is such as will not justify any man in doubting his word.

sin is death, but the gift of God is eternal life,”—the former is deserved—the latter comes by grace and favour.

He has said, that he believed a superior obligation had arisen, and we are bound to believe him. He may, indeed, though acquitted of acting corruptly, be accused of acting unwisely, or from unfounded apprehensions, but that is altogether another question. That his apprehensions, however, were not unfounded, there is good reason to think, even from the single circumstance of so many lords and commoners having changed their opinions on this very subject; for to suppose that the legislators alluded to were all either knaves or fools, would be a most factious and unwarrantable supposition, and one which the University of Cambridge could never for a moment entertain.

To me, the clamour set up against Mr. Peel and the Solicitor General appears most extraordinary and most uncalled for; and I cannot help suspecting the purity of their motives, who are thus loud in their abuse. Judging from their own hearts, they seem incapable of understanding how a man can incur the odium of the vulgar—an odium, which always follows a change of opinion in public men, without supposing, that that change was the result of corruption. Some of the wisest and most virtuous men that ever lived have seen cause to change their opinion upon great political questions; and with respect to Catholic emancipation, we have two instances, in the illustrious persons of his Majesty

and the heir presumptive of the crown, which ought to have silenced the tongue of malignity itself. But, to use the apt remark of Mr. Croker, it may be truly said of many of the opponents of this measure, that they are not only *πάντες κακῶν* but are *πάντες κακοὶ*—not merely prophets of evil but evil prophets.

But it may be said that Sir Nicholas Tindal ought to have resigned his seat when he found that he could no longer conscientiously vote in the way that he had promised. This I deny; it being a doctrine which, if acted upon, would reduce our representatives “who are the only revealers of the national mind—the only judges of what ought to be the sentiments of the kingdom,” to the mere character of agents, or rather of soldiers, whose duty it is to yield implicit obedience to those who command them: in short, as Fox has observed, it would make those “who are appointed to watch over the Hesperian fruit of liberty with a dragon’s eye, the only slaves of the whole community.” Sir Nicholas Tindal would no doubt have gained a vast deal of popularity by resigning his seat; but he acted more justly, more wisely, more patriotically,—he preferred the interest of his country to the loud huzzas of the populace; and he nobly and bravely did his duty as a representative of the nation, in defiance of the scoffs and jeers of the vulgar, the uninformed, and the malignant.

Leaving, however, all the above considerations out of the question, Sir Nicholas Tindal was justified upon another ground, in voting in favour of Catholic emancipation. — “Promises,” says Paley, “are not binding, which are *released by the promisee* ;” and had not then the representative of the University of Cambridge good reason to believe that he was released from his promise to the electors by a change in the opinion of those electors, relative to Catholic emancipation? They refused to petition against this measure, thereby intimating that they relied upon the wisdom of Parliament,—that they had confidence in the measures of government; under such circumstances, it appears to me, that Sir Nicholas Tindal was released from his promise, and, providing such promise could have bound him to have acted against his opinions (which it could not), he was left at liberty to follow his own unshackled judgment.

I have now concluded what I intended to say; but before taking leave of the public, I would recommend to the consideration of those opponents of emancipation, whose angry feelings have not yet subsided, the following admirable observations, on a recent occasion, of Mr. Clay, the late Chief Secretary of state of the United States of North America.

“We have, fellow citizens, just terminated a

long, arduous, and embittered contest. It raged with a violence which we ought to hope will not be often exhibited. During its continuance, society was shook to its centre, and the most intimate ties of connexion were rent asunder. The will of the majority has been expressed, and the will of the majority should be respected. Unless we mean to perpetuate feuds, and render immortal animosities excited in the heat of the struggle, it should be the wish and the aim of all to tranquilize society, and to restore its harmony, after the decision of the majority has been fairly pronounced. This effort to heal wounds and reunite brethren, who have been separated by passion or misconception is perfectly consistent with the duty of watching, in future, over our rulers, and of bringing their measures to the standard of reason."

WARWICK, MAY, 1829.

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